

## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents  
 United States Patent and Trademark  
 Office  
 Box PCT  
 Washington, D.C. 20231  
 ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

|   |   |
|---|---|
| <b>Date of mailing</b> (day/month/year)<br>23 August 1999 (23.08.99)            |   |
| <b>International application No.</b><br>PCT/GB99/00001                          | <b>Applicant's or agent's file reference</b><br>P57259F             |
| <b>International filing date</b> (day/month/year)<br>04 January 1999 (04.01.99) | <b>Priority date</b> (day/month/year)<br>03 January 1998 (03.01.98) |
| <b>Applicant</b><br>VAN ASSELT, Jan, Abram                                      |   |

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

03 August 1999 (03.08.99)

☐ in a notice effecting later election filed with the International Bureau on:2. The election ☒ was☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

|  |   |
|--|---|
| <b>The International Bureau of WIPO</b><br>34, chemin des Colombettes<br>1211 Geneva 20, Switzerland<br><br>Facsimile No.: (41-22) 740.14.35 | <b>Authorized officer</b><br><br>Lazar Joseph Panakal<br><br>Telephone No.: (41-22) 338.83.38 |
|--|---|

## PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

To:

FRY, Alan, Valentine  
Fry Heath & Spence  
The Old College  
53 High Street  
Horley  
Surrey RH6 7BN  
ROYAUME-UNI

Date of mailing (day/month/year)

27 July 2000 (27.07.00)

Applicant's or agent's file reference

P57259F

## IMPORTANT NOTIFICATION

International application No.

PCT/GB99/00001

International filing date (day/month/year)

04 January 1999 (04.01.99)

## 1. The following indications appeared on record concerning:



the applicant



the inventor



the agent



the common representative

Name and Address

VAN ASSELT, Jan, Abram  
The Spinney  
Mynthurst  
Leigh  
Reigate  
Surrey RH2 8RJ  
United Kingdom

State of Nationality

GB

State of Residence

GB

Telephone No.

Facsimile No.

Teleprinter No.

## 2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:



the person



the name



the address



the nationality



the residence

Name and Address

VAN ASSELT, Jan, Abraham  
The Spinney  
Mynthurst  
Leigh  
Reigate  
Surrey RH2 8RJ  
United Kingdom

State of Nationality

GB

State of Residence

GB

Telephone No.

Facsimile No.

Teleprinter No.

## 3. Further observations, if necessary:

## 4. A copy of this notification has been sent to:



the receiving Office



the International Searching Authority



the International Preliminary Examining Authority



the designated Offices concerned



the elected Offices concerned



other:

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

A. Karkachi

Telephone No.: (41-22) 338.83.38

BEST AVAILABLE COPY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

|  |   |  |
|--|---|--|
| Applicant's or agent's file reference<br><b>P57259F</b>  | <b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below. |  |
| International application No.<br><b>PCT/GB 99/ 00001</b> | International filing date (day/month/year)<br><b>04/01/1999</b>   | (Earliest) Priority Date (day/month/year)<br><b>03/01/1998</b> |
| Applicant<br><br><b>VAN ASSELT, Jan, Abram</b>           |   |  |

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☒ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

1

☐ None of the figures.

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 6 A63B69/38 A63B69/36

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A63B

Documentation searched during international search (classification system followed by classification symbols) to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages                        | Relevant to claim No. |
|------------|---|-----------------------|
| A          | DE 88 04 865 U (SPIER) 26 May 1988<br>see claim 1; figures 1,2  | 1,20                  |
| A          | US 3 630 521 A (LINGBEEK ET AL.)<br>28 December 1971<br>cited in the application<br>see abstract; figures | 1,20                  |
| A          | US 4 138 107 A (JANIS) 6 February 1979<br>cited in the application<br>see abstract; figures               | 1,20                  |
| A          | US 3 114 549 A (HOOKER) 17 December 1963<br>see claim 4; figures 1,2                                      | 1,20                  |
| A          | US 3 086 775 A (ALBERT) 23 April 1963<br>see claim 1; figures   | 1,20                  |

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

\* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

20 April 1999

Date of mailing of the international search report

10/05/1999

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Jones, T

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/GB 99/00001

**Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)**

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 27  
because they relate to subject matter not required to be searched by this Authority, namely:  
  
PCT Rule 6.2(a) - References to Other Parts of the International Application
2. ☐ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

**Remark on Protest**

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

| Patent document cited in search report |   | Publication date | Patent family member(s) | Publication date |
|--|---|------------------|-------------------------|------------------|
| DE 8804865                             | U | 26-05-1988       | NONE                    |                  |
| US 3630521                             | A | 28-12-1971       | NONE                    |                  |
| US 4138107                             | A | 06-02-1979       | NONE                    |                  |
| US 3114549                             | A | 17-12-1963       | NONE                    |                  |
| US 3086775                             | A | 23-04-1963       | NONE                    |                  |

PCT

PTO/PCT Rec'd 29 JUN 2000  
REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference  
(if desired) (12 characters maximum)

P57259F

Box No. I TITLE OF INVENTION

Ball Game Apparatus

Box No. II APPLICANT

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

VAN ASSELT, Jan Abram

The Spinney

Mynthurst

Leigh

Reigate

Surrey RH2 8RJ, Great Britain

☒ This person is also inventor.

Telephone No.

Facsimile No.

Teleprinter No.

State (that is, country) of nationality:

GB

State (that is, country) of residence:

GB

This person is applicant for the purposes of:



all designated States



all designated States except the United States of America



the United States of America only



the States indicated in the Supplemental Box

Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

This person is:

☐ applicant only☐ applicant and inventor☐ inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality:

State (that is, country) of residence:

This person is applicant for the purposes of:



all designated States



all designated States except the United States of America



the United States of America only



the States indicated in the Supplemental Box

☐ Further applicants and/or (further) inventors are indicated on a continuation sheet.

Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:



agent



common representative

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

FRY, Alan Valentine

Fry Heath &amp; Spence

The Old College

53 High Street

Horley

Surrey RH6 7BN, Great Britain

Telephone No.

+44 1293 776880

Facsimile No.

+44 1293 776837

Teleprinter No.

☐ Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

## Box No.V DESIGNATION OF STATES

The following designations are hereby made under Rule 4.9(a) (mark the applicable check-boxes; at least one must be marked):

## Regional Patent

- ☒ AP ARIPO Patent: GH Ghana, GM Gambia, KE Kenya, LS Lesotho, MW Malawi, SD Sudan, SZ Swaziland, UG Uganda, ZW Zimbabwe, and any other State which is a Contracting State of the Harare Protocol and of the PCT
- ☒ EA Eurasian Patent: AM Armenia, AZ Azerbaijan, BY Belarus, KG Kyrgyzstan, KZ Kazakhstan, MD Republic of Moldova, RU Russian Federation, TJ Tajikistan, TM Turkmenistan, and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT
- ☒ EP European Patent: AT Austria, BE Belgium, CH and LI Switzerland and Liechtenstein, CY Cyprus, DE Germany, DK Denmark, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, SE Sweden, and any other State which is a Contracting State of the European Patent Convention and of the PCT
- ☒ OA OAPI Patent: BF Burkina Faso, BJ Benin, CF Central African Republic, CG Congo, CI Côte d'Ivoire, CM Cameroon, GA Gabon, GN Guinea, ML Mali, MR Mauritania, NE Niger, SN Senegal, TD Chad, TG Togo, and any other State which is a member State of OAPI and a Contracting State of the PCT (if other kind of protection or treatment desired, specify on dotted line)

## National Patent (if other kind of protection or treatment desired, specify on dotted line):

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> AL Albania                               | <input checked="" type="checkbox"/> LS Lesotho                                   |
| <input checked="" type="checkbox"/> AM Armenia                               | <input checked="" type="checkbox"/> LT Lithuania                                 |
| <input checked="" type="checkbox"/> AT Austria                               | <input checked="" type="checkbox"/> LU Luxembourg                                |
| <input checked="" type="checkbox"/> AU Australia                             | <input checked="" type="checkbox"/> LV Latvia                                    |
| <input checked="" type="checkbox"/> AZ Azerbaijan                            | <input checked="" type="checkbox"/> MD Republic of Moldova                       |
| <input checked="" type="checkbox"/> BA Bosnia and Herzegovina                | <input checked="" type="checkbox"/> MG Madagascar                                |
| <input checked="" type="checkbox"/> BB Barbados                              | <input checked="" type="checkbox"/> MK The former Yugoslav Republic of Macedonia |
| <input checked="" type="checkbox"/> BG Bulgaria                              |  |
| <input checked="" type="checkbox"/> BR Brazil                                | <input checked="" type="checkbox"/> MN Mongolia                                  |
| <input checked="" type="checkbox"/> BY Belarus                               | <input checked="" type="checkbox"/> MW Malawi                                    |
| <input checked="" type="checkbox"/> CA Canada                                | <input checked="" type="checkbox"/> MX Mexico                                    |
| <input checked="" type="checkbox"/> CH and LI Switzerland and Liechtenstein  | <input checked="" type="checkbox"/> NO Norway                                    |
| <input checked="" type="checkbox"/> CN China                                 | <input checked="" type="checkbox"/> NZ New Zealand                               |
| <input checked="" type="checkbox"/> CU Cuba                                  | <input checked="" type="checkbox"/> PL Poland                                    |
| <input checked="" type="checkbox"/> CZ Czech Republic                        | <input checked="" type="checkbox"/> PT Portugal                                  |
| <input checked="" type="checkbox"/> DE Germany                               | <input checked="" type="checkbox"/> RO Romania                                   |
| <input checked="" type="checkbox"/> DK Denmark                               | <input checked="" type="checkbox"/> RU Russian Federation                        |
| <input checked="" type="checkbox"/> EE Estonia                               | <input checked="" type="checkbox"/> SD Sudan                                     |
| <input checked="" type="checkbox"/> ES Spain                                 | <input checked="" type="checkbox"/> SE Sweden                                    |
| <input checked="" type="checkbox"/> FI Finland                               | <input checked="" type="checkbox"/> SG Singapore                                 |
| <input checked="" type="checkbox"/> GB United Kingdom                        | <input checked="" type="checkbox"/> SI Slovenia                                  |
| <input checked="" type="checkbox"/> GE Georgia                               | <input checked="" type="checkbox"/> SK Slovakia                                  |
| <input checked="" type="checkbox"/> GH Ghana                                 | <input checked="" type="checkbox"/> SL Sierra Leone                              |
| <input checked="" type="checkbox"/> GM Gambia                                | <input checked="" type="checkbox"/> TJ Tajikistan                                |
| <input checked="" type="checkbox"/> GW Guinea-Bissau                         | <input checked="" type="checkbox"/> TM Turkmenistan                              |
| <input checked="" type="checkbox"/> HR Croatia                               | <input checked="" type="checkbox"/> TR Turkey                                    |
| <input checked="" type="checkbox"/> HU Hungary                               | <input checked="" type="checkbox"/> TT Trinidad and Tobago                       |
| <input checked="" type="checkbox"/> ID Indonesia                             | <input checked="" type="checkbox"/> UA Ukraine                                   |
| <input checked="" type="checkbox"/> IL Israel                                | <input checked="" type="checkbox"/> UG Uganda                                    |
| <input checked="" type="checkbox"/> IS Iceland                               | <input checked="" type="checkbox"/> US United States of America                  |
| <input checked="" type="checkbox"/> JP Japan                                 |  |
| <input checked="" type="checkbox"/> KE Kenya                                 | <input checked="" type="checkbox"/> UZ Uzbekistan                                |
| <input checked="" type="checkbox"/> KG Kyrgyzstan                            | <input checked="" type="checkbox"/> VN Viet Nam                                  |
| <input checked="" type="checkbox"/> KP Democratic People's Republic of Korea | <input checked="" type="checkbox"/> YU Yugoslavia                                |
|  | <input checked="" type="checkbox"/> ZW Zimbabwe                                  |
| <input checked="" type="checkbox"/> KR Republic of Korea                     |  |
| <input checked="" type="checkbox"/> KZ Kazakhstan                            |  |
| <input checked="" type="checkbox"/> LC Saint Lucia                           |  |
| <input checked="" type="checkbox"/> LK Sri Lanka                             |  |
| <input checked="" type="checkbox"/> LR Liberia                               |  |

Check-boxes reserved for designating States (for the purposes of a national patent) which have become party to the PCT after issuance of this sheet:

- ☐ .....
- ☐ .....

**Precautionary Designation Statement:** In addition to the designations made above, the applicant also makes under Rule 4.9(b) all other designations which would be permitted under the PCT except any designation(s) indicated in the Supplemental Box as being excluded from the scope of this statement. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit. (Confirmation of a designation consists of the filing of a notice specifying that designation and the payment of the designation and confirmation fees. Confirmation must reach the receiving Office within the 15-month time limit.)



**Supplemental Box\***

If the Supplemental Box is not used, this sheet should not be included in the request.

1. If, in any of the Boxes, the space is insufficient to furnish all the information: in such case, write "Continuation of Box No. ..." [indicate the number of the Box] and furnish the information in the same manner as required according to the captions of the Box in which the space was insufficient, in particular:

- (i) if more than two persons are involved as applicants and/or inventors and no "continuation sheet" is available: in such case, write "Continuation of Box No. III" and indicate for each additional person the same type of information as required in Box No. III. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below;
- (ii) if, in Box No. II or in any of the sub-boxes of Box No. III, the indication "the States indicated in the Supplemental Box" is checked: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the applicant(s) involved and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is applicant;
- (iii) if, in Box No. II or in any of the sub-boxes of Box No. III, the inventor or the inventor/applicant is not inventor for the purposes of all designated States or for the purposes of the United States of America: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the inventor(s) and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is inventor;
- (iv) if, in addition to the agent(s) indicated in Box No. IV, there are further agents: in such case, write "Continuation of Box No. IV" and indicate for each further agent the same type of information as required in Box No. IV;
- (v) if, in Box No. V, the name of any State (or OAPI) is accompanied by the indication "patent of addition," or "certificate of addition," or if, in Box No. V, the name of the United States of America is accompanied by an indication "continuation" or "continuation-in-part": in such case, write "Continuation of Box No. V" and the name of each State involved (or OAPI), and after the name of each such State (or OAPI), the number of the parent title or parent application and the date of grant of the parent title or filing of the parent application;
- (vi) if, in Box No. VI, there are more than three earlier applications whose priority is claimed: in such case, write "Continuation of Box No. VI" and indicate for each additional earlier application the same type of information as required in Box No. VI;
- (vii) if, in Box No. VI, the earlier application is an ARIPO application: in such case, write "Continuation of Box No. VI", specify the number of the item corresponding to that earlier application and indicate at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed.

2. If, with regard to the precautionary designation statement contained in Box No. V, the applicant wishes to exclude any State(s) from the scope of that statement: in such case, write "Designation(s) excluded from precautionary designation statement" and indicate the name or two-letter code of each State so excluded.

3. If the applicant claims, in respect of any designated Office, the benefits of provisions of the national law concerning non-prejudicial disclosures or exceptions to lack of novelty: in such case, write "Statement concerning non-prejudicial disclosures or exceptions to lack of novelty" and furnish that statement below.

Continuation of Box No. IV

SPENCE, Anne; HUTCHINS, Michael Richard; DOWNING, Michael Philip, PRICE, Vincent Andrew; UNWIN, Stephen Geoffrey; PIKE, Christopher Gerard; all of Fry Heath & Spence, The Old College, 53 High Street, Horley, Surrey RH6 7BN, Great Britain

| Box No. VI PRIORITY CLAIM                           |                               | <input type="checkbox"/> Further priority claim indicated in the Supplemental Box. |  |   |
|---|-------------------------------|--|--|---|
| Filing date of earlier application (day/month/year) | Number of earlier application | Where earlier application is:  |  |   |
|   |                               | national application: country  | regional application:* regional Office | international application: receiving Office |
| item (1)<br>3rd Jan 1998<br>(03.01.1998)            | 9800015.1                     | GB   |  |   |
| item (2)  |                               |  |  |   |
| item (3)  |                               |  |  |   |

☒ The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) (only if the earlier application was filed with the Office which for the purposes of the present international application is the receiving Office) identified above as item(s): (1)

\* Where the earlier application is an ARIPO application, it is mandatory to indicate in the Supplemental Box at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed (Rule 4.10(b)(ii)). See Supplemental Box.

## Box No. VII INTERNATIONAL SEARCHING AUTHORITY

Choice of International Searching Authority (ISA)  
(if two or more International Searching Authorities are competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used)

Request to use results of earlier search; reference to that search (if an earlier search has been carried out by or requested from the International Searching Authority)

ISA /

Date (day/month/year)

Number

Country (or regional Office)

## Box No. VIII CHECK LIST; LANGUAGE OF FILING

This international application contains the following number of sheets:

request : 4  
description (excluding sequence listing part) : 8  
claims : 4  
abstract : 1  
drawings : 2  
sequence listing part of description : \_\_\_\_\_

Total number of sheets : 19

This international application is accompanied by the item(s) marked below:

1. ☐ fee calculation sheet
2. ☐ separate signed power of attorney
3. ☐ copy of general power of attorney; reference number, if any:
4. ☐ statement explaining lack of signature
5. ☐ priority document(s) identified in Box No. VI as item(s):
6. ☐ translation of international application into (language):
7. ☐ separate indications concerning deposited microorganism or other biological material
8. ☐ nucleotide and/or amino acid sequence listing in computer readable form
9. ☐ other (specify):

Figure of the drawings which should accompany the abstract: 1

Language of filing of the international application: GB

## Box No. IX SIGNATURE OF APPLICANT OR AGENT

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).

  
A.V. Fry

| For receiving Office use only   |  |
|---|--|
| 1. Date of actual receipt of the purported international application:   | 2. Drawings:<br><input type="checkbox"/> received:<br><br><input type="checkbox"/> not received: |
| 3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application: |  |
| 4. Date of timely receipt of the required corrections under PCT Article 11(2):  |  |
| 5. International Searching Authority (if two or more are competent): ISA /  |  |
| 6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid.  |  |

| For International Bureau use only                               |
|---|
| Date of receipt of the record copy by the International Bureau: |

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

FRY, Alan Valentine  
FRY HEATH & SPENCE  
The Old College  
53 High Street  
Horley, Surrey RH6 7BN  
GRANDE BRETAGNE

RECEIVED

PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing  
(day/month/year)

01.10.99

Applicant's or agent's file reference  
P57259F

IMPORTANT NOTIFICATION

International application No.  
PCT/GB99/00001

International filing date (day/month/year)  
04/01/1999

Priority date (day/month/year)  
03/01/1998

Applicant  
VAN ASSELT, Jan, Abram

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/

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## PATENT COOPERATION TREATY

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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

|   |   |  |
|---|---|--|
| Applicant's or agent's file reference<br>P57259F  | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |  |
| International application No.<br>PCT/GB99/00001   | International filing date (day/month/year)<br>04/01/1999  | Priority date (day/month/year)<br>03/01/1998 |
| International Patent Classification (IPC) or national classification and IPC<br>A63B69/38 |   |  |
| Applicant<br>VAN ASSELT, Jan, Abram   |   |  |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 7 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

|   |  |
|---|--|
| Date of submission of the demand<br>03/08/1999  | Date of completion of this report<br>01.10.99  |
| Name and mailing address of the international preliminary examining authority:<br> European Patent Office<br>D-80298 Munich<br>Tel. +49 89 2399 - 0 Tx: 523656 epmu d<br>Fax: +49 89 2399 - 4465 | Authorized officer<br>Hillebrand, S<br>Telephone No. +49 89 2399 2912<br> |

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB99/00001

## I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

### Description, pages:

1-8 as originally filed

### Claims, No.:

1-27 as originally filed

### Drawings, sheets:

1/2-2/2 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

## III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 27.

because:

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB99/00001

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 27 are so unclear that no meaningful opinion could be formed (*specify*):
- see separate sheet**
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☐ no international search report has been established for the said claims Nos. .

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

|                               |      |        |      |
|-------------------------------|------|--------|------|
| Novelty (N)                   | Yes: | Claims | 1-26 |
|                               | No:  | Claims |      |
| Inventive step (IS)           | Yes: | Claims | 1-26 |
|                               | No:  | Claims |      |
| Industrial applicability (IA) | Yes: | Claims | 1-26 |
|                               | No:  | Claims |      |

### 2. Citations and explanations

**see separate sheet**

## VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB99/00001

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**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

Reference is made to the following documents:

- D1: US-A-4 138 107
- D2: DE-U-88 04 865
- D3: US-A-3 630 521
- D4: US-A-3 086 775.

**Re Item III**

1. As the subject-matter of independent claim 27 is not characterised by a single specified technical feature, it is so unclear (Art. 6 PCT), that no opinion with regard to the requirements of Art. 33(1) PCT can be established.  
Moreover, claim 27 is not admissible, since - contrary to Rule 6.2 a) PCT - it only consists of a general reference to the drawings, the claims and eventually to the description ("herein above").

**Re Item V**

2. Document D1, which is considered to represent the most relevant state of the art, discloses in accordance with independent claim 1 (see Fig. 1, column 2, lines 32-43):

an apparatus for use in playing in practising ball games comprising upper and lower guideways (10, 12), reciprocating means (14) connected to and freely movable along said upper and lower guideways (10, 12), and a ball (16) connected to said reciprocating means (14).

From this apparatus the subject-matter of claim 1 differs in that the reciprocating means is substantially inelastic.

Therefore, subject-matter of claim 1 has to be considered as new in the sense of Art. 33(2) PCT.



The technical effect achieved by the replacement of the elastic reciprocating means as known by a substantially inelastic means consists in avoiding uncontrolled lateral movement of the ball once struck by the player.

The problem to be solved by the present invention can, thus, be defined as providing an apparatus of the type as disclosed in D1 which is free from this disadvantage.

The solution proposed in claim 1 of the present application can be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

In all documents describing an apparatus of the type above-mentioned (D1, D2 and D3), the elasticity of the reciprocating means is presented as an essential feature.

Only document D4 shows a baseball practice device wherein the ball is connected to an inelastic member, i.e. a chain. Since there is, however, no lower guideway provided, to which the reciprocating means can be connected, it is evident for the man skilled in the art, that the ball swings even more in the lateral direction than in the apparatus known from D1.

Consequently, it is not obvious to refer to the disclosure of D4 in order to solve the problem posed, and even less to select a single feature of the device shown in D4 for combining it with the apparatus known from D1.

3. The subject-matter of dependent claims 2 to 19 containing additional features related to special embodiments of the invention according to claim 1 do also meet the requirements of Art. 33(1) with respect to the available prior art.
4. Since independent claim 20 represents several combinations of several of these dependent claims, and the following claims 21 to 26 correspond to others of these dependent claims (see below, Re item VIII), this applies also for claims 20 to 26.

**Re item VII**

5. Independent claims 1 and 20 are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art document D1 being placed in a preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in a characterizing part (Rule 6.3(b)(ii) PCT).

The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

**Re Item VIII**

6. Contrary to the requirements of Art. 6 PCT, claims 20 to 26 lack clarity and conciseness.

Independent claim 20 is - due to the multitude of "or"-options - actually a conglomeration of six independent subject-matter. Moreover, claim 20 represents a combination of subject-matter of claims 2, 8 & 10 and 3 & 10, respectively. Dependent claims 21 to 26 correspond to dependent claims 4 to 6 and 11 to 14.

Accordingly, claims 20 to 26 only represent a superfluous repetition of subject-matter already claimed in claims 1 to 14, making it difficult to determine the matter for which protection is sought, and placing an undue burden on others seeking to establish the extent of the protection.

CLAIMS:

1. Apparatus for use in playing and practising ball games comprising upper and lower guideways, substantially inelastic reciprocating means connected to and freely moveable along said upper and lower guideways, and a ball connected to said reciprocating means.
2. Apparatus according to claim 1 wherein the upper guideway is inclined, the maximum height of the upper guideway above ground level being greater than the length of the reciprocating means.
3. Apparatus according to any one of the preceding claims wherein the upper and lower guideways lie in a plane which is generally normal to the ground.
4. Apparatus according to any one of the preceding claims wherein the upper and/or lower guideways are attached to a stable support.
5. Apparatus according to any one of the preceding claims wherein the lower guideway is adjustably engaged with the ground.
6. Apparatus according to any one of the preceding claims wherein the reciprocating means comprises one or more upstanding line(s) connected to the upper and lower guideways.
7. Apparatus according to claim 6 wherein the reciprocating means comprises one upstanding line connected to the upper guideway and another associated upstanding line connected to the lower guideway.
8. Apparatus according to any one of the preceding claims wherein the

reciprocating means is connected to the upper and lower guideways means through a slide.

9. Apparatus according to any one of the preceding claims wherein the upper and/or lower guideways take the form of a plastics track which is capable of receiving a runner to which the reciprocating means is connected.
10. Apparatus according to any one of the preceding claims wherein the ball is a tennis ball, a baseball, a rounders ball, a cricket ball, a hockey ball, or a golf ball.